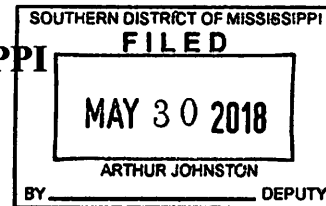


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**



DOUGLAS HANDSHOE

v.

CIVIL ACTION NO. 1:15cv382-HSO-JCG

VAUGHN PERRET, CHARLES LEARY &
DANIEL ABEL, D/B/A/ TROUT POINT
LODGE LTD OF NOVA SCOTIA & IN
THEIR INDIVIDUAL CAPACITIES
PROGRESS MEDIA GROUP LIMITED,
MARILYN SMULDERS, & ASHOKA

**MEMORANDUM IN SUPPORT OF RESPONSE IN OPPOSITION TO
DEFENDANT LEARY'S MOTION TO QUASH MOTION FOR PARTIAL
SUMMARY JUDGMENT (ECF 236)**

Plaintiff Douglas Handshoe respectfully submits this memorandum in support of his opposition to Defendant Charles Leary's Motion to Quash Plaintiff's Motion for Partial Summary Judgment (ECF #236) and will show that Mr. Leary's Motion should be denied.

Mr. Leary has accused Plaintiff in emails to the Court of not mailing Leary's copy of pleadings to a British Columbia, Canada based drop box, which then sends Mr. Leary the pleadings at his undisclosed location in Europe. Plaintiff denies Leary's assertion that the Motion for Partial Summary Judgment was not mailed to him by Plaintiff. Mr. Leary, who has a history, habit and custom of baselessly

claiming he was not properly noticed of United States District Court proceedings such as in matter 2012-cv-0090, where is he an active contemnor, is simply engaging in dilatory tactics in an attempt to delay the outcome of this matter.

However, assuming *arguendo* that the Motion for Partial Summary Judgment was lost in the mail or mishandled by Mr. Leary's mail service he has suffered no prejudice. He demonstrably knew of the pending Motion for Partial Summary Judgment on April 10, 2018 when he inappropriately emailed chambers attempting to file a motion for an extension of time to respond. The Court, once Leary properly filed his Motion for an Extension of Time, gave him until April 26, 2018 to file his opposition to the Motion for Partial Summary Judgment. Mr. Leary's opposition still did not reach the Court Clerk for filing until April 27, 2018.

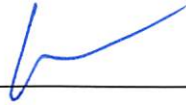
Mr. Leary essentially blames the method *he chose* to receive Court filings for the late filing of his opposition. He could have (and still can) sign up for electronic notice, where pleadings are delivered immediately upon filing. He could have also immediately prepared his opposition for mailing, beginning work on it as soon as April 10, 2018, the date when he emailed the Court seeking more time instead of waiting until April 24, 2018 to finalize and mail it to the Court from France. In short, it was Mr. Leary that waited until 14 days had elapsed from the date of his email to the Court to submit his opposition and now he attempts to blame the

Plaintiff for the fact that he submitted to the Clerk for filing after the due date had past.¹

CONCLUSION

The Court should deny Mr. Leary's Motion to Quash Plaintiff's Motion for Partial Summary Judgment.

Respectfully submitted this 30th day of May, 2018,



Plaintiff
Douglas Handshoe
Post Office Box 788
110 Hall Street
Wiggins, MS 39577
(601) 928-5380
earning04@gmail.com

¹ Mr. Leary did manage to submit his Answer and Counterclaims by the Court's deadline of May 17, 2018 demonstrating that he can indeed mail court filings in a timely manner.

CERTIFICATE OF SERVICE

I, Douglas Handshoe, hereby certify that on May 30, 2018 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

I, Douglas Handshoe, hereby certify that on May 30, 2018, I mailed the foregoing to Charles Leary at 308 5th Ave E, Vancouver, BC V5T 1H4 Canada.

Respectfully submitted this 29th day of May, 2018,



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